

JUL 15 2009

ORDINANCE NO. 2009 -017

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **GLADES ROAD / 95TH AVENUE NE COMMERCIAL (SCA 2009-030)**; MODIFYING PAGE 110 BY CHANGING A 2.65 ACRES PARCEL OF LAND LOCATED AT THE NORTHEAST CORNER OF GLADES ROAD AND 95TH AVENUE SOUTH, FROM COMMERCIAL LOW WITH AN UNDERLYING 5 DWELLING UNITS PER ACRE (CL/5) WITH FURNITURE STORE ONLY RESTRICTION TO COMMERCIAL LOW WITH AN UNDERLYING 5 DWELLING UNITS PER ACRE (CL/5) WITHOUT THE FURNITURE STORE ONLY RESTRICTION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 15, 2009, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida

Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on June 29, 2009, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 110 is amended as follows:

Application No.: Glades Road/95th Avenue NE Commercial
(SCA 2009-030)

Amendment: Commercial Low with an underlying 5 dwelling units per acre (CL/5) with furniture store only restriction to Commercial Low with an underlying 5 dwelling units per acre (CL/5) without the furniture store only restriction;

General Location: Northeast corner of Glades Road and 95th Avenue South;

Size: Approximately 2.65 acres;

Condition: The subject site shall be limited to 26,058 square feet of development.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of

1 this Ordinance is for any reason held by the Court to be
2 unconstitutional, inoperative or void, such holding shall not affect
3 the remainder of this Ordinance.

4 **Part IV. Inclusion in the 1989 Comprehensive Plan**

5 The provisions of this Ordinance shall become and be made a part
6 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
7 Ordinance may be renumbered or relettered to accomplish such, and the
8 word "ordinance" may be changed to "section," "article," or any other
9 appropriate word.

10 **Part V. Effective Date**

11 This amendment shall not become effective until 31 days after
12 adoption. If challenged within 30 days after adoption, this amendment
13 shall not become effective until the state land planning agency or the
14 Administration Commission, respectively, issues a final order
15 determining the amendment is in compliance.

16 **APPROVED AND ADOPTED** by the Board of County Commissioners of
17 Palm Beach County, on the 29th day of June, 2009.

18
19 ATTEST:

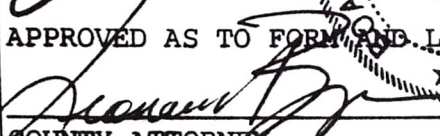
20 SHARON R. BOCK, CLERK
21 AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
22 BY ITS BOARD OF COUNTY COMMISSIONERS

23
24 By:  Deputy Clerk

 John F. Koons, Chairman

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26
27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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29
30  COUNTY ATTORNEY

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32 Filed with the Department of State on the 2nd day
33 of July, 2009.
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EXHIBIT 1

Amendment No.: GLADES ROAD / 95TH AVENUE NE COMMERCIAL (SCA 2009-030)

FLUA Page No.: 110

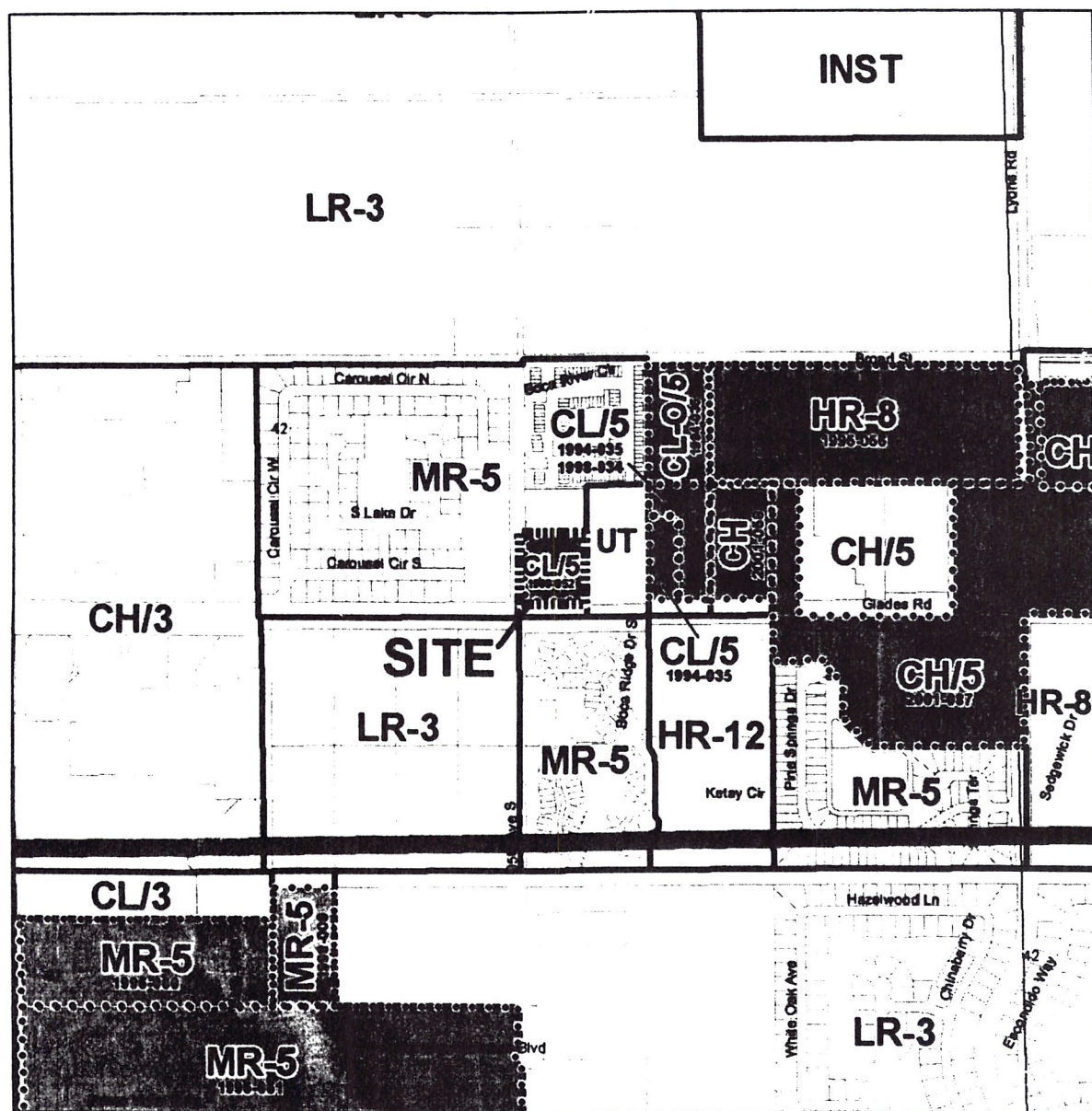
Amendment: Removal of SCA conditions of approval limiting the building's use to a furniture store only

Location: Northeast corner of Glades Road and 95th Avenue South

Size: 2.65 acres

Property No.: 00-42-47-18-18-000-0010 & 00-42-47-18-18-001-0000

Condition: The subject site shall be limited to 26,058 square feet of development



Legal Description

A portion of Tract 89, in Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof recorded in Plat Book 2, Page 45, of the Public Records of Palm Beach County, Florida, being more particularly described as follows :

COMMENCING at the Northeast corner of said Tract 89;

THENCE continue South 00°00'01" West along the East line of said Tract 89, a distance of 241 feet to the POINT OF BEGINNING;

THENCE continue South 00°00'01" West, along the East line of said Tract 89, a distance of 354.00 feet to a point lying on the Northerly right-of-way line of Glades Road;

THENCE with a bearing of South 89°59'38" West, along the North right-of-way line of Glades Road for a distance of 305.10 feet to a point;

THENCE with a bearing of North 45°00'22" West, for a distance of 35.36 feet to a point lying on the Easterly right-of-way line of 95th Avenue South;

THENCE with a bearing of North 00°00'01" East, along the Easterly right-of-way line of 95th Avenue South for a distance of 322.87 feet to a point;

THENCE with a bearing of South 89°59'59" East, for a distance of 123.04 feet to a point;

THENCE with a bearing of North 70°02'27" East, for a distance of 18.07 feet to a point;

THENCE with a bearing of South 89°59'59" East, for a distance of 190.08 feet, more or less, to the POINT OF BEGINNING.

Said Parcel also known as :

Parcel 1, Tract "A", Tract "B", Tract "C" and Tract "D" of GLADES SQUARE, according to the Plat thereof as recorded in Plat Book 100, Page 14, of the Public Records of Palm Beach County, Florida.

CONTAINING 115,741 square feet (2.65 acres), more or less.

SUBJECT to easements, reservations, restrictions and rights-of-way of record.

SUBJECT to Monument Sign Easement Agreement per Official Records Book 11781, Page 1039 of the Public Records of Palm Beach County, Florida.

PCN: 00-42-47-18-18-000-0010 & 00-42-47-18-18-001-0000

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on June 29, 2009

dated at West Palm Beach, FL on 7/13/09

By: Sharon R. Bock

Deputy Clerk COUNTY
FLORIDA

